

SUMMARY SHEET  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

November 8, 2018

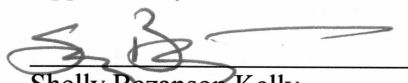
( ) ACTION/DECISION

(X) INFORMATION

- I. TITLE:** Health Regulation Administrative and Consent Orders.
- II. SUBJECT:** Health Regulation Administrative Orders, Consent Orders, and Emergency Suspension Orders for the period of September 1, 2018, through September 30, 2018.
- III. FACTS:** For the period of September 1, 2018, through September 30, 2018, Health Regulation reports one (1) Administrative Order, ten (10) Consent Orders, and one (1) Emergency Suspension Order totaling \$25,100 in assessed monetary penalties.

Health Regulation Bureau	Facility, Provider, or Equipment Type	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties
Health Facilities Licensing	Adult Day Care Facility	0	1	0	\$3,600
	Home Health Agency	0	2	0	\$700
	Tattoo Facility	0	1	0	\$1,300
EMS & Trauma	Ambulance Services Provider	1	2	0	\$7,000
	Paramedic	0	2	0	\$1,800
	Emergency Medical Technician	0	0	1	\$0
Radiological Health	Dental X-Ray Facility	0	1	0	\$1,700
	Medical X-Ray Facility	0	1	0	\$9,000
<b>TOTAL</b>		<b>1</b>	<b>10</b>	<b>1</b>	<b>\$25,100</b>

Approved By:

  
Shelly Bezanson Kelly  
Director of Health Regulation

HEALTH REGULATION ENFORCEMENT REPORT  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

November 8, 2018

**Bureau of Health Facilities Licensing**

Facility Type	Total # of Licensed Home Health Agencies in South Carolina
Home Health Agency	92

**1. Homecare of the Regional Medical Center (Home Health Agency) – Orangeburg, SC**

Inspections and Investigations: The Department visited Homecare of the Regional Medical Center multiple times to conduct general inspections, complaint investigations, and follow-up inspections. Prior to this enforcement action, the Department visited Homecare most recently on July 18, 2017 to conduct a complaint investigation.

Violations: During the July 18, 2017 investigation, the Department cited Homecare for violating Regulation 61-77, Standards for Licensing Home Health Agencies. Specifically, the Department cited Homecare for providing services to patients in Bamberg County prior to the Department's issuance of an amended license on April 14, 2017, adding Bamberg County to its licensed service area. According to the Home Health Agency Regulation, no home health agency may serve counties other than those identified on the face of the license.

Enforcement Action: By Consent Order, the Department assessed a \$300 monetary penalty against Homecare, which was paid in full on August 31, 2018.

Prior Actions: None.

**2. Methodist Manor Home Health (Home Health Agency) – Florence, SC**

Inspections and Investigations: The Department visited Methodist Manor Home Health multiple times to conduct general inspections, complaint investigations, and follow-up inspections. Prior to this enforcement action, the Department visited Methodist Manor Home Health most recently on August 3, 2017 to conduct a general inspection and also issued two citations-by-mail.

Violations: During the August 3, 2017 inspection, the Department cited Methodist Manor for violating Regulation 61-77, Standards for Licensing Home Health Agencies. Specifically, the Department cited Methodist Manor for not reviewing patient treatment plans and not documenting a staff member to coordinate tuberculosis control activities. In addition, the Department issued a citation-by-mail to Methodist Manor on September 8, 2017 and again on October 9, 2017 for not providing a plan of correction for the cited violations from the August 3, 2017 inspection.

Enforcement Action: By Consent Order, the Department assessed a \$400 monetary penalty against Methodist Manor, which was paid in full on September 4, 2018.

Prior Actions: None.

Facility Type	Total # of Participants	Total # of Licensed Facilities in South Carolina
Adult Day Care	4,680	96

### 3. Total Comfort Adult Day Care (Adult Day Care Facility) – Holly Hill, SC

Inspections and Investigations: The Department visited Total Comfort Adult Day Care multiple times for general inspections and follow-up inspections and also issued four citations-by-mail to the facility. Prior to this enforcement action, the Department visited Total Comfort most recently on March 13, 2018 to conduct a follow-up inspection.

Violations: As a result of several inspections from 2016 to 2018, the Department cited Total Comfort for violating Regulation 61-75, Standards for Licensing Day Care Facilities for Adults. Specifically, the Department cited Total Comfort for the following: four (4) times for failing to submit a timely plan of correction for cited violations; two (2) times for failing to have a record of annual fire safety inspection; two (2) times for failing to have staff health assessment documentation; one (1) time for failing to have fire safety training documentation; two (2) times for failing to have infection control training documentation; two (2) times for failing to have participants’ rights training documentation; two (2) times for failing to have records and confidentiality training documentation; one (1) time for failing to have staff annual performance evaluation documentation; one (1) time for failing to include antiseptic cleaner in the first aid kit; one (1) time failing to have participants’ photographs and social security numbers in the participant records; two (2) times for failing to have contact information for participants’ personal physician; two (2) times for failing to have documentation of a signed agreement between the facility and participant stating the amount of fees for listed services; two (2) times for failing to have written acknowledgments of the Statement of Rights of Adult Day Care Participants; one (1) time for failing to have documentation of fire drills; and two (2) times for failing to have annual tuberculosis risk assessment documentation.

Enforcement Action: By Consent Order, the Department assessed a \$3,600 monetary penalty against Total Comfort. Total Comfort was required to pay \$1,800 of the assessed monetary penalty to the Department within 30 days, which they paid on September 18, 2018. The Department is holding the remaining \$1,300 in abeyance for six months. In addition, the Department required Total Comfort to take action to correct the cited violations and to participate in a compliance assistance meeting with the Department.

Prior Actions: None.

Facility Type	Total # of Licensed Facilities in South Carolina
Tattoo Facility	121

### 4. 123 East Coast Ink (Tattoo Facility) – Easley, SC

Inspections and Investigations: The Department visited 123 East Coast Ink multiple times to conduct general inspections and follow-up inspections. Prior to this enforcement action, the Department visit 123 East Coast Ink most recently on September 14, 2017 to conduct a general inspection and cited the facility for violations. Additionally, the Department issued citations-by-mail on November 8, 2017 and November

16, 2017 for 123 East Coast Ink’s failure to submit a plan of correction to the September 14, 2017 inspection violations.

Violations: As a result of inspections and citations-by-mail, the Department cited 123 East Coast Ink for violating Regulation 61-111, Standards for Licensing Tattoo Facilities. Specifically, the Department cited 123 East Coast Ink for the following: two (2) times for failing to submit an acceptable plan of correction to the cited violations from the September 14, 2017 inspection; one (1) time for failing to document annual staff training for OSHA standards in bloodborne pathogens; and, one (1) time for failing to ensure that tattoo items packaged and sterilized by autoclave (a pressure chamber used for sterilization) were labeled with the date of sterilization.

Enforcement Action: By Consent Order, the Department assessed a \$1,300 monetary penalty against 123 East Coast Ink. The Department required 123 East Coast Ink to pay \$650 within 30 days, which they paid on September 25, 2018. The Department is holding the remaining \$650 in abeyance for six months. In addition, the Department required 123 East Coast Ink to take action to correct the cited violations and to participate in a compliance assistance meeting with the Department.

Prior Actions: None.

**Bureau of Emergency Medical Services and Trauma**

<b>Provider Type</b>	<b>Total # of Licensed Providers in South Carolina</b>
Ambulance Services Provider	272

**5. Advance Medical Transport LLC (Ambulance Services Provider)**

Inspections and Investigations: On November 27, 2017, the Department was notified that an employee of Advance Medical Transport LLC (AMT) worked as an emergency medical technician (EMT) without a valid South Carolina EMT certification. The Department conducted an investigation that found the AMT employee performed patient care within the scope of an EMT on eight ambulance runs while the employee did not have a valid SC EMT certification.

Violations: As a result, the Department found that AMT violated the EMS Act and Regulation 61-7, Emergency Medical Services by allowing an uncertified person to perform patient care. If the Department finds that a service has allowed uncertified personnel to perform patient care, the EMS Act authorizes the Department to impose a civil monetary penalty up to five hundred dollars per offense per day to a maximum of ten thousand dollars and revoke or suspend the provider’s license or permit.

Enforcement Action: By Administrative Order, the Department assessed a \$2,000 monetary penalty against AMT, which they paid in full on October 26, 2018.

Prior Actions: None.

**6. Personal Care Ambulance, Inc. (Ambulance Services Provider)**

Inspections and Investigations: On January 17, 2018, Personal Care Ambulance, Inc. (PCA) notified the Department that a PCA employee worked as an emergency medical technician (EMT) without a valid South



Carolina EMT certification. The Department conducted an investigation that found the PCA employee performed patient care within the scope of an EMT on 51 ambulance runs while the employee did not have a valid SC EMT certification.

Violations: As a result, the Department found that PCA violated the EMS Act and Regulation 61-7, Emergency Medical Services by allowing an uncertified person to perform patient care. If the Department finds that a service has allowed uncertified personnel to perform patient care, the EMS Act authorizes the Department to impose a civil monetary penalty up to five hundred dollars per offense per day to a maximum of ten thousand dollars and revoke or suspend the provider's license or permit.

Enforcement Action: By Consent Order, the Department assessed a \$2,500 monetary penalty against PCA, which they paid in full on September 4, 2018.

Prior Actions: None.

### **7. Aiken County Emergency Services (Ambulance Services Provider)**

Inspections and Investigations: On May 1, 2018, Aiken County Emergency Services (ACEMS) notified the Department that an ACEMS employee worked as an emergency medical technician (EMT) without a valid South Carolina EMT certification. The Department conducted an investigation that found the ACEMS employee performed patient care within the scope of an EMT on 33 ambulance runs while the employee did not have a valid SC EMT certification.

Violations: As a result, the Department found that ACEMS violated the EMS Act and Regulation 61-7, Emergency Medical Services by allowing an uncertified person to perform patient care. If the Department finds that a service has allowed uncertified personnel to perform patient care, the EMS Act authorizes the Department to impose a civil monetary penalty up to five hundred dollars per offense per day to a maximum of ten thousand dollars and revoke or suspend the provider's license or permit.

Enforcement Action: By Consent Order, the Department assessed a \$2,500 monetary penalty against ACEMS. The Department required ACEMS to pay \$500 within 30 days, which they paid on September 21, 2018. The Department is holding the remaining \$2,000 in abeyance for 12 months.

Prior Actions: None.

<b>Provider Type</b>	<b>Total # of Certified Providers in South Carolina</b>
Paramedic	3,773

### **8. Richard L. Belge (Paramedic)**

Inspections and Investigations: On June 26, 2018, the Department initiated an investigation into the EMS crew of Mr. Belge and his paramedic partner, Donald Nash, and their care of a minor patient while the EMS crew was working for Lancaster County EMS. The Department found that Mr. Belge and Mr. Nash initiated care of a minor patient with nausea and vomiting in a hotel. The EMS crew advised the minor patient that because the minor's parents were unavailable to consent to care and transport, the EMS crew could neither treat nor transport the patient. The EMS crew did not obtain the consent of the patient or parents for the discontinuation of care and abandonment. The EMS crew thereafter departed the scene and left the patient

at the hotel. After returning to the Lancaster County EMS station, Mr. Belge notified and discussed his concerns of the call with a supervisor and operations manager. Upon the instructions of the supervisor and operations manager, the EMS crew returned to the hotel to provide treatment to the patient and transported the patient to a hospital emergency department. The Department also found that the EMS crew's documentation for this call failed to describe the EMS crew's departure from the hotel, arrival at the EMS station, and return to the hotel for treatment and transport of the patient to the hospital.

Violations: The Department found that Mr. Belge violated the EMS Act and Regulation 61-7, Emergency Medical Services by initiating care of a patient at the scene of illness then discontinuing such care and abandoning the patient without the patient's consent and without providing for the further administration of care by an equal or higher medical authority. In addition, the Department found that Mr. Belge falsified documentation required by the Department, specifically the patient care report (PCR).

Enforcement Action: By Consent Order, the Department assessed a \$900 monetary penalty against Mr. Belge. The Department required Mr. Belge to pay \$225 within 6 months, which he paid on September 21, 2018. The Department is holding the remaining \$675 in abeyance for 12 months. The Department also suspended Mr. Belge's paramedic certificate for 12 months and is requiring Mr. Belge to successfully complete a National Association of Emergency Medical Technicians (NAEMT) Principles of Ethics and Personal Leadership course within 12 months.

Prior Actions: None.

#### **9. Donald Lawrence Nash (Paramedic)**

Inspections and Investigations: On June 26, 2018, the Department initiated an investigation into the EMS crew of paramedics, Mr. Nash and Mr. Belge, and their care of a minor patient while the EMS crew was working for Lancaster County EMS. The Department found that the EMS crew initiated care of a minor patient with nausea and vomiting in a hotel. The EMS crew advised the minor patient that because the minor's parents were unavailable to consent to care and transport, the EMS crew could neither treat nor transport the patient. The EMS crew did not obtain the consent of the patient or parents for the discontinuation of care and abandonment. The EMS crew thereafter departed the scene and left the patient at the hotel. After returning to the Lancaster County EMS station, Mr. Nash's partner, Mr. Belge, notified and discussed his concerns of the call with a supervisor and operations manager. Upon the instructions of the supervisor and operations manager, the EMS crew returned to the hotel to provide treatment to the patient and transported the patient to a hospital emergency department. The Department also found that the EMS crew's documentation for this call failed to describe the EMS crew's departure from the hotel, arrival at the EMS station, and return to the hotel for treatment and transport of the patient to the hospital.

Violations: The Department found that Mr. Nash violated the EMS Act and Regulation 61-7, Emergency Medical Services by initiating care of a patient at the scene of illness then discontinuing such care and abandoning the patient without the patient's consent and without providing for the further administration of care by an equal or higher medical authority. In addition, the Department found that Mr. Nash falsified documentation required by the Department, specifically the patient care report (PCR).

Enforcement Action: By Consent Order, the Department assessed a \$900 monetary penalty against Mr. Nash. The Department is requiring Mr. Nash to pay \$225 within 6 months and will hold the remaining \$675 in abeyance for 12 months. The Department also suspended Mr. Nash's paramedic certificate for 12 months and is requiring Mr. Nash to successfully complete a National Association of Emergency Medical Technicians (NAEMT) Principles of Ethics and Personal Leadership course within 12 months.

Prior Actions: None.

Provider Type	Total # of Certified Providers in South Carolina
EMT	6,098

**10. DuWayne William Ryan Stender (EMT)**

Inspections and Investigations: On August 27, 2018, the Department was notified of Mr. Stender’s arrest. The Department initiated an investigation and found that Mr. Stender had been arrested for committing aggravated assault and family violence battery.

Violations: The Department found that Mr. Stender’s arrest for aggravated assault and family violence battery constituted misconduct because they are criminal offenses that may involve moral turpitude, drugs, or gross immorality. Due to Mr. Stender’s arrest for these offenses, the Department was authorized to take action to immediately suspend Mr. Stender’s emergency medical technician (EMT) certificate pending further investigation pursuant to S.C. Code Section 44-1-140, the EMS Act, and Regulation 61-7, Emergency Medical Services.

Enforcement Action: By Emergency Suspension Order, the Department suspended Mr. Stender’s EMT certificate on an emergency basis pending further investigation.

Prior Actions: None.

**Bureau of Radiological Health**

Facility Type	Total # of Registered Facilities in South Carolina
Dental X-Ray Facility	1,725

**11. Pitner Orthodontics (Dental X-Ray Facility) – Columbia, SC**

Inspections and Investigations: On January 8, 2018, the Department conducted a general inspection and found that Pitner Orthodontics failed to show current records of equipment performance testing. The Department previously cited the same violations during inspections on October 11, 2007 and February 12, 2013.

Violations: As a result, the Department found that Pitner repeatedly violated Regulation 61-64, X-Rays (Title B), by failing to complete equipment performance testing.

Enforcement Action: By Consent Order, the Department assessed a \$1,700 monetary penalty against Pitner. The Department is requiring Pitner to pay \$425 within 30 days with the remaining \$1275 to be held in abeyance for 36 months.

Prior Actions: None.

Facility Type	Total # of Registered Facilities in South Carolina
Medical X-Ray Facility	880

**12. Lancaster One Medical (Medical X-Ray Facility) – Lancaster, SC**

Inspections and Investigation: On February 7, 2018, the Department conducted a routine inspection and found that Lancaster One Medical failed to assure that all x-ray machines are only operated by a radiologic technologist possessing a valid certificate from the South Carolina Radiation Quality Standards Association (SCRQSA). The Department previously cited the same violations during inspections on August 8, 2013 and May 26, 2016.

Violations: As a result, the Department found Lancaster One Medical repeatedly violated Regulation 61-64, X-Rays (Title B), by failing to assure all x-ray machine operators possessed a valid certificate from the SCRQSA.

Enforcement Action: By Consent Order, the Department assessed a \$9,000 monetary penalty against Lancaster One Medical. The Department is requiring Lancaster One Medical to pay \$2,250 within 30 days with the remaining \$6,750 to be held in abeyance for 24 months.

Prior Actions: None.